

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

PARKWAY FLORIST, INC.

and

JO ANN VAUGHN

Cases 06-CA-209583
06-CA-217020

PARKWAY FLORIST, INC.

and

PAUL CAVALERO

SECOND SUPPLEMENTAL DECISION AND ORDER

On March 4, 2019, the Respondent, Parkway Florist, Inc., filed with the Board in Washington, D.C., an Application for Attorney's Fees and Expenses pursuant to the Equal Access to Justice Act (EAJA). By Order dated March 6, 2019, the Board referred the Respondent's application to Administrative Law Judge David I. Goldman for appropriate action. Thereafter, on May 30, 2019, the Administrative Law Judge issued his Supplemental Decision denying the Respondent's application for attorney's fees under the Equal Justice Act and, on the same date, the proceeding was transferred to and continued before the Board in Washington D.C. In his supplemental decision, the Administrative Law Judge found that the General Counsel was "substantially justified" in prosecuting the case within the meaning of EAJA.

No statement of exceptions having been filed with the Board, and the time allowed for such filing having expired,

Pursuant to Section 10(c) of the National Labor Relations Act, as amended, and Section 102.48 of the National Labor Relations Board Rules and Regulations, the Board adopts the findings and conclusions of the Administrative Law Judge as contained in his Supplemental Decision, and the recommended Order of the Administrative Law Judge becomes the Order of the Board. Accordingly,

The Respondent's Application for Attorney's Fees and Expenses is dismissed.¹

Dated, Washington, D.C., July 16, 2019.

By direction of the Board:

/s/ Farah Z. Qureshi

Associate Executive Secretary

¹ On July 15, 2019, the Board inadvertently issued an order adopting Judge Goldman's December 12, 2018 Decision and Order in the absence of exceptions. The Board rescinds that order as Judge Goldman's decision had already been adopted on February 5, 2019.